



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*27 February 2009*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

AAM = <i>Alabama Administrative Monthly</i>	NESHAP = National Emission Standards for Hazardous Air Pollutants
ADEM = Alabama Department of Environmental Management	NO <sub>2</sub> = Nitrogen dioxide
CAA = Clean Air Act	NO <sub>x</sub> = Nitrogen oxide
CAAWG = Clean Air Act Working Group	NPRM = Notice of Proposed Rulemaking
CAIR = Clean Air Interstate Rule	NSPS = New Source Performance Standards
CCR = <i>California Code of Regulations</i>	OAC = Ohio Administrative Code
CFR = <i>Code of Federal Regulations</i>	OEPA = Ohio Environmental Protection Agency
COMAR = <i>Code of Maryland Regulations</i>	OMB = Office of Management and Budget
CRNR = <i>California Regulatory Notice Register</i>	PFAC = Perfluoroalkyl carboxylate
CTG = Control Technology Guidelines	PFAS = Perfluoroalkyl sulfonate
DFW = Dallas Fort Worth	PSD = Prevention of significant deterioration
DMR = Discharge Monitoring Report	RICE = Reciprocating internal combustion engine
EPA = U.S. Environmental Protection Agency	RIN = Regulatory Identification Number
F.A.C. = Florida Administrative Code	RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
FAW = <i>Florida Administrative Weekly</i>	SIP = State Implementation Plan
FDEP = Florida Department of Environmental Protection	SJRWMD = St. Johns River Water Management District
FR = <i>Federal Register</i>	SNUR = Significant New Use Rule
FY = Fiscal year	SO <sub>2</sub> = Sulfur dioxide
GHG = Greenhouse gas	TAC = Texas Administrative Code
GRC = Glenn Research Center	TBD = To be determined
GSE = Ground support equipment	TexReg = <i>Texas Register</i>
HAP = Hazardous Air Pollutant	UAC = Utah Administration Code
HCFC = Hydrochlorofluorocarbon	UDAQ = Utah Department of Air Quality
HGB = Houston-Galveston-Brazoria	UDWQ = Utah Department of Water Quality
KSC = Kennedy Space Center	UPDES = Utah Pollutant Discharge Elimination System
MDE = Maryland Department of the Environment	U.S. = United States
Md.R. = <i>Maryland Register</i>	VAC = Virginia Administrative Code
MSFC = Marshall Space Flight Center	Va.R. = <i>Virginia Register</i>
NAAQS = National Ambient Air Quality Standards	VOC = Volatile organic compound
NASA = National Aeronautics and Space Administration	

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed022709-1	CAA NSPS and NESHAP Test Methods	02/26/2009	<a href="#">74 FR 8791</a>	Notice	Recent Postings of Broadly Applicable Alternative Test Methods Announces the <a href="#">broadly applicable alternative test method approval decisions</a> made in 2008 in support of the NSPS and NESHAP programs.	
Fed022709-2	NASA Centennial Challenges Program	02/20/2009	<a href="#">74 FR 7927</a>	Notice	National Aeronautics and Space Administration Centennial Challenges 2009 Power Beaming and Tether Challenges Announces that team registration is now open for the 2009 Power Beaming and Tether Challenges. The NASA <a href="#">Centennial Challenges Program</a> initiates prize contests to stimulate innovation and competition in space exploration and ongoing NASA mission areas. The 2009 Power Beaming Challenge is a prize contest designed to promote the development of new power distribution technologies. The 2009 Tether Challenge is a prize contest designed to develop strong tether material for use in various structural applications. The <a href="#">Spaceward Foundation</a> is administering both Challenges for NASA. The Challenges will be held 04/29/2009 to 05/01/2009 at KSC.	
Fed022709-3	Standards American Petroleum Institute	02/20/2009	<a href="#">74 FR 7860</a>	Notice	National Institute of Standards and Technology Announcement of the American Petroleum Institute's Standards Activities Lists the standardization efforts currently being conducted by the American Petroleum Institute. The Institute develops and publishes voluntary standards for equipment, materials, operations, and processes for the petroleum and natural gas industry. These standards are used by both private industry and by governmental agencies. <a href="#">Includes standards for storing and handling fuels and other petroleum products.</a>	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to [Sharon Scroggins](#).

Significant Dates <i>italic = target date</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	<i>05/2009</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	<i>05/2010</i>			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	<i>TBD</i>	HCFC Labeling [2060-AO68]	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	<i>TBD</i>			Would require containers of materials containing HCFCs to bear warning statements.
NPRM	<i>03/2009</i>	NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.
Final Action	<i>06/2010</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on operations subject to the Aerospace NESHAP, including coating, stripping, and cleaning of space flight hardware.
NPRM	10/10/2008	NESHAP: Risk and Technology Review, Phase II Group 2A [2060-AO91]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Includes the manufacture of various types of elastomers, such as Hypalon™. Proposes no further restrictions on covered sources; however, public comments could influence the addition of restrictions during the comment period.
NPRM	10/06/2008	Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
NPRM	01/03/2007	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	<i>05/2009</i>			Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.
NPRM	03/07/2006	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	<i>08/2009</i>			Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.

## 1.3 Significant News and Other Developments

### 1.3.1 Proposed Amendments to NAAQS for Nitrogen Dioxide

On 12 February 2009, EPA issued a [status update](#) on the rulemaking for the primary NAAQS for NO<sub>2</sub>, stating that EPA has decided not to issue an advance notice of proposed rulemaking. EPA is required under a judicial consent decree to propose whether to revise the NO<sub>2</sub> primary standard by 26 June 2009, and to issue a final rule by 22 January 2010. EPA has decided to focus its efforts on developing the proposed rule to meet the court-ordered schedule.

EPA first set standards for NO<sub>2</sub> in 1971 at 0.053 parts per million (53 parts per billion), averaged annually. EPA has reviewed the standard twice since then, but chose not to revise the standards at the conclusion of each review. All areas in the U.S. are in attainment with the current (1971) NO<sub>2</sub> standards.

Further information regarding the NO<sub>2</sub> primary standard is posted on EPA's [website](#).

### 1.3.2 Proposed EPA Budget

On 26 February 2009, the Obama administration proposed a budget of \$10.5 billion for EPA, a significant increase from recent funding levels. Included in the budget is \$3.9 billion for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund grants to support approximately 1,000 clean water projects and 700 drinking water projects, as follows:

- \$475 million for a multi-agency Great Lakes Initiative to protect the chemical, biological, and physical resources of the lakes by addressing invasive species, non-point source pollution, habitat restoration, contaminated sediment, and other critical issues
- \$19 million increase for the GHG emissions inventory and related data for a comprehensive climate change bill.
- \$4 billion in operating costs, including strengthening EPA's core research, enforcement, and regulatory capabilities. The budget request also proposes reinstating the Superfund excise taxes that expired.

Additional information regarding the FY 2010 budget for EPA is available on [OMB's website](#).

### 1.3.3 Proposed Amendments to RICE NESHAP

On 25 February 2009, EPA [announced](#) the availability of a [prepublication version of proposed amendments](#) to the NESHAP for RICEs to include the emission limits for engines that:

- Are located at area sources of HAPs.
- Have a site rating of less than or equal to 500 horsepower, are located at major sources of HAPs, and were constructed or reconstructed before 12 June 2006.
- Have a site rating of greater than 500 horsepower, are located at major sources of HAPs, and were constructed or reconstructed before 19 December 2002.

The proposal would require owners or operators of existing engines to do the following:

- Install emissions control equipment that would limit air toxics emissions by up to 90 percent.
- Perform emissions tests to demonstrate engine performance and compliance with rule requirements.
- Burn ultra-low sulfur diesel fuel in non-emergency engines with a site rating greater than 300 horsepower.

Upon publication of the proposed rule in the FR, EPA will open a 60-day comment period. The RRAC PC will soon release a more detailed summary of the proposed amendments. Further information, including a [fact sheet](#), is available on EPA's [website](#).

### 1.3.4 Pond and Wetland Management Guidebook

EPA has released a new guidebook that describes maintenance and inspection practices for existing wet ponds and wetlands. The [Stormwater Wet Pond and Wetland Management Guidebook](#) includes inspection checklists and maintenance activity sheets for addressing eight common maintenance issues.

## 1.4 Working Group Updates

On the basis of the results of CAAWG feedback provided at the Environmental and Energy Conference and from the survey sent out last fall, the CAAWG will have a multi-media environmental focus in 2009. The working group, which is open to all NASA Center environmental staff, will focus on a variety of multi-media subject matter, emerging regulations, and regulatory refresher presentations. The topics for each call will be announced in advance so the appropriate environmental media representatives can attend.

Calls in 2009 tentatively are scheduled for the following Wednesdays:

- 18 March
- 1 April
- 15 April
- 20 May
- 17 June
- 1 July
- 15 July
- 5 August
- 19 August
- 2 September
- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL022709-01	Remediation Environmental Covenants	01/30/2009	<a href="#">AAM Vol. XXVII, No. 4, p. 130</a>	Proposed Rule Hearing	335-ADEM 5--Uniform Environmental Covenant Program  Proposes to adopt rules for implementing the Uniform Environmental Covenants Program, which applies to sites undergoing a response action that would not be cleaned up for unrestricted use. A list of specific changes can be found in the <a href="#">Division 5</a> document. A <a href="#">public hearing</a> will be held 03/11/2009 at ADEM, Montgomery, Alabama. Comments due 03/06/2009.	<a href="#">MSFC</a> should be aware of the proposed rule.

### 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA022709-1	Endangered Species California Tiger Salamander	02/20/2009	<a href="#">CRNR 2009, 8z, p. 284</a>	Notice	<a href="#">Fish and Game Commission</a> Notice of Candidacy of California Tiger Salamander <a href="#">Announces</a> that the California tiger salamander has been declared a candidate species. A report must be completed within 1 year indicating whether further action is warranted.	
CA022709-2	Endangered Species Longfin Smelt	02/20/2009	<a href="#">CRNR 2009, 8z, p. 285</a>	Notice	<a href="#">Fish and Game Commission</a> Notice of Final Consideration of Petition--Longfin Smelt  Announces a <a href="#">meeting</a> for final consideration scheduled 03/04/2009 at the Yolo Fliers Club in Woodland, California.	
CA022709-3	Endangered Species Pacific Fisher	02/20/2009	<a href="#">CRNR 2009, 8z, p. 285</a>	Notice	<a href="#">Fish and Game Commission</a> Notice of Reconsideration of Petition--Pacific Fisher <a href="#">Announces</a> that the status of the Pacific Fisher is being reconsidered. The petition will be discussed at the Commission meeting scheduled 03/04/2009 at the Yolo Fliers Club in Woodland, California. Comments due 03/02/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA022709-4	Occupational Safety	02/20/2009	<a href="#">CRNR 2009, 8z, p. 293</a>	Notice	<p><a href="#">Occupational Safety and Health Standards Board</a></p> <p>Replace Graphics [8 CCR 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, and G following Section 3583]</p> <p>Nonsubstantive action modifying regulations on stairways, fixed ladders, personal fall protection, and certain other safety measures by replacing graphics to improve clarity and making editorial changes.</p>	

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL022709-1	Air Greenhouse Gases	02/20/2009	<a href="#">FAW Notice #6790114</a>	Notice Rulemaking Workshop	<p>Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 300–Electric Utility Greenhouse Gas Reduction Program</p> <p>Announces a workshop to discuss a proposed rulemaking that would involve capping GHG emissions from the electric utility sector. Specifically, FDEP will offer conceptual rule proposals and solicit comments and recommendations. The workshop is scheduled for 03/11/2009 at FDEP, Tallahassee, Florida.</p>	
FL022709-2	Air Vehicle Idling	02/20/2009	<a href="#">FAW Notice #6822706</a>	Final Rule	<p>Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 421–Clean Diesel Rebate Program</p> <p>Final rule will assist persons affected by previously adopted Rule 62-285.420, F.A.C., Heavy-duty Vehicle Idling Reduction. The rule establishes a rebate funding process for idle-reduction equipment on heavy-duty diesel trucks. A copy of the form for applying for the rebate is available on the <a href="#">FDEP website</a>. Effective 03/15/2009.</p>	
FL022709-3	Hazardous Waste	02/27/2009	<a href="#">FAW Notice #6722408</a>	Proposed Rule	<p>Chapter 62–FDEP 730–Hazardous Waste</p> <p>Proposed rule amendments would incorporate by reference the changes made to the federal hazardous waste regulations between 07/01/2007 and 06/30/2008. FDEP is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt changes that make state rules equivalent to and consistent with the existing federal regulations, 40 CFR 260 and 261. Proposed text is provided in the <a href="#">FAW Notice</a>. Comments due 03/20/2009.</p>	
FL022709-4	Oceans and Coastal Council	02/20/2009	<a href="#">FAW Notice #6567111</a>	Notice Meeting	<p>Chapter 62–Florida Oceans and Coastal Council</p> <p>Announces a meeting to further its duties under the Oceans and Coastal Resources Act. The meeting will be held 03/09/2009 via conference call.</p>	
FL022709-5	Oceans and Coastal Council	02/27/2009	<a href="#">FAW Notice #6793315</a>	Notice Meeting	<p>Chapter 62–Florida Oceans and Coastal Council</p> <p>Announces a meeting to further its duties under the Oceans and Coastal Resources Act. The meeting will be held 03/25/2009 in Tallahassee, Florida.</p>	
FL022709-6	Water SJRWMD	02/20/2009	<a href="#">FAW Notice #6777989</a>	Notice Meeting	<p>Chapter 40C–SJRWMD</p> <p>Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 03/10/2009 at SJRWMD Headquarters, Palatka, Florida.</p>	
FL022709-7	Water SJRWMD	02/20/2009	<a href="#">FAW Notice #6778183</a>	Notice Meeting	<p>Chapter 40C–SJRWMD</p> <p>Announces a business meeting of the Projects and Land Committee on 03/09/2009 in Palatka, Florida.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL022709-8	Water SJRWMD	02/20/2009	<a href="#">FAW Notice #6778474</a>	Notice Meeting	Chapter 40C-SJRWMD Announces an informational workshop on Strategic Water Conservation Plan and Water Conservation Rule Amendments to be held on 03/09/2009 in Palatka, Florida.	
FL022709-9	Water SJRWMD	02/20/2009	<a href="#">FAW Notice #6848314</a> , <a href="#">#6848411</a> , and <a href="#">#6848508</a>	Final Rule	Chapter 40C-SJRWMD 2-Permitting of Consumptive Uses of Water Final rule amends the sections of Chapter 40C-2, F.A.C., that regulate small uses of irrigation below the consumptive use permit thresholds. Effective 03/08/2009.	

## 2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Hawaii.

## 2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

## 2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD022709-1	Air VOCs	02/27/2009	<a href="#">36:3 Md.R. 420</a>	Emergency Action	Maryland Department of the Environment Volatile Organic Compounds from Adhesives and Sealants Grants emergency status to regulations under <a href="#">COMAR 26.11.35.01</a> to exempt single-ply roof membrane installation and repair adhesives, single-ply roof membrane sealants, and single-ply roof membrane adhesive primers from the standards for VOC content during non-ozone season for the years 2009, 2010, and 2011. The proposed action affects manufacturers, suppliers, installers, and users of single-ply roofing materials. Emergency status began on 01/01/2009 and ends on 06/29/2009.	
MD022709-2	Hazardous Substances	02/27/2009	<a href="#">36:3 Md.R. 451</a>	Notice	Maryland Department of the Environment Controlled Hazardous Substances Council Announces a public meeting of the Controlled Hazardous Substances Council to be held 03/12/2009.	

### 2.6.1 Diesel Project Funding

Title VII of the American Recovery and Reinvestment Act of 2009 provides additional funding to EPA for Diesel Emission Reduction Act grants. This funding can be used to reduce emissions from such sources as school buses, freight activities, construction, and ports. Eligible projects include diesel retrofits, idle reduction, engine repowers, and vehicle replacements.

Approximately \$15 to 20 million is anticipated be made available to EPA Region 3, which includes Maryland, Virginia, and the District of Columbia.

EPA will be hosting two workshops in the Maryland area to assist interested parties in preparing and submitting successful grant applications. The workshops are scheduled for 5 March 2009 at MDE in Baltimore; and 6 March 2009 in Washington, D.C. Further information regarding the grants, including details about the workshops, is available on the [MDE website](#) and on EPA's [Clean Diesel site](#).

## 2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

## 2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH022709-1	Air Emission Standards	02/20/2009	<a href="#">Notice</a>	Draft Rules	<p>Division of Air Pollution Control, OEPA</p> <p>New and Amended Rules in OAC Chapter 3745-21, Carbon Monoxide, Photochemically Reactive Materials, Hydrocarbons, and Related Materials Standards [OAC Chapter <a href="#">3745-21</a>]</p> <p>Proposes new, amended, and rescinded rules based on CTGs issued by EPA in 2006 and 2007. The CTG-based rules are intended to address federal requirements and, along with the other rules in this submittal, assist in achieving and maintaining the ozone national ambient air quality standard. The proposed rules under this Chapter will apply to the eight "moderate" non-attainment counties located in the Cleveland/Akron, Ohio, metropolitan area, including Cuyahoga County. The rules would become effective after review by the Joint Committee on Agency Rule Review.</p>	GRC should be aware of the revised proposed rules
OH022709-2	Air NAAQS-Ozone	02/17/2009	<a href="#">News Release</a>	Notice	<p>Division of Air Pollution Control, OEPA</p> <p>Public Hearing-OEPA Requests Recognition of Improved Air Quality in Columbus and Cleveland/Akron</p> <p>Announces a hearing to discuss request by the State of Ohio that EPA designate the Columbus and Cleveland/Akron areas as being in attainment with the 1997 federal ozone standard. Air quality data from 2006-2008 show that both metropolitan areas are meeting the 1997 ozone standard. The counties affected by the proposed redesignation requests include Cuyahoga. The public hearing is scheduled for 03/03/2009. Comments due 03/03/2009.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH022709-3	Remediation Voluntary Action Program	02/20/2009	<a href="#">Public Notice</a>	Final Rules	Voluntary Action Program, OEPA Rescinded and Adopted Rules in OAC Chapter 3745-300, Voluntary Action Program [OAC Chapter <a href="#">3745-300</a> ] Finalizes rescinded and amended rules to update applicable standards for voluntary cleanup based on the latest data, to improve the organization of the rules, and to incorporate the requirement to make all technical documentation available as references in the rules. Effective: 03/01/2009.	

## 2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX022709-1	Air Texas SIP	02/27/2009	<a href="#">34 TexReg 1445</a>	Proposed Rules	Control of Air Pollution from Nitrogen Compounds [30 TAC 117] Amends the major and minor source rules for the HGB ozone nonattainment area. Provides output-based monitoring as a monitoring alternative for stationary reciprocating internal combustion engines and stationary gas turbines at major and minor sources of NOx in the HGB ozone nonattainment area. Also includes record-keeping requirements for sources using the output-based monitoring option. Changes are consistent with the output-based monitoring option currently allowed for stationary engines and gas turbines at major sources in the DFW 8-hour ozone nonattainment area. Effective 03/04/2009.	

## 2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT022709-1	Air Emission Inventories	03/01/2009	<a href="#">UT Bull. Vol. 2009-5; DAR File No. 32353</a>	Notice of Continuation	UDAQ: Department of Environmental Quality Emission Inventories ( <a href="#">UAC R307-150</a> ) The rule is under a 5-year review process. UDAQ intends to continue to require entities engaged in operations that result in air pollution to submit periodic emission inventory reports.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT022709-2	Air PSD	03/01/2009	<a href="#">UT Bull. Vol. 2009-5; DAR File No. 32354</a>	Notice of Continuation	<p>UDAQ; Department of Environmental Quality</p> <p>Permits: Major Sources in Attainment or Unclassified Areas (PSD) (<a href="#">UAC R307-405</a>)</p> <p>The rule is under a 5-year review process. UDAQ intends to continue to implement requirements of the federal PSD permitting program for major sources and major modifications in attainment areas or maintenance areas as required by 40 CFR 51.166.</p>	
UT022709-3	Renewable Energy Renewable Energy Systems Tax Credits	02/15/2009	<a href="#">UT Bull. Vol. 2009-4; DAR File No. 32331</a>	Proposed Rule	<p>Utah Geological Survey; Department of Natural Resources</p> <p>Renewable Energy Systems Tax Credits (<a href="#">UAC R638-2</a>)</p> <p>Proposes to expand the renewable energy systems and equipment that are eligible for renewable energy systems tax credits. Comments due 03/17/2009.</p>	
UT022709-4	Water UPDES	02/15/2009	<a href="#">UT Bull. Vol. 2009-4; DAR File No. 32340</a>	Proposed Rule	<p>UDWQ; Department of Environmental Quality</p> <p>UPDES (<a href="#">UAC R317-8</a>)</p> <p>The proposed rule would allow UPDES permittees to electronically submit monthly DMRs through EPA's <a href="#">NetDMR</a> program. Comments due 03/17/2009.</p>	
UT022709-5	Water UPDES	02/15/2009	<a href="#">UT Bull. Vol. 2009-4; DAR File No. 32341</a>	Proposed Rule	<p>UDWQ; Department of Environmental Quality</p> <p>Electronic Submissions and Electronic Signatures (<a href="#">UAC R317-1</a>)</p> <p>Requires that UPDES permittees create a subscriber agreement in accordance with 40 CFR 3 (EPA's Cross-Media Electronic Reporting Regulation) prior to electronic submittal of UPDES DMRs through the <a href="#">NetDMR</a> program. Comments due 04/02/2009.</p>	
UT022709-6	Water Wastewater	02/15/2009	<a href="#">UT Bull. Vol. 2009-4; DAR File No. 32342</a>	Proposed Rule	<p>UDWQ; Department of Environmental Quality</p> <p>Technical and Procedural Requirements (<a href="#">UAC R317-3-1</a>)</p> <p>Proposes to create a new operating permit program to cover wastewater systems not currently permitted with the Groundwater Quality Protection Program, Underground Injection Control Program, UPDES Program, or as a Water Reuse Project. Comments due 03/17/2009.</p>	
UT022709-7	Water Wastewater	03/01/2009	<a href="#">UT Bull. Vol. 2009-5; DAR File No. 32380</a>	Proposed Rule	<p>UDWQ; Department of Environmental Quality</p> <p>Definitions and General Requirements (<a href="#">UAC R317-1</a>)</p> <p>Proposes to reword and reorganize Rule <a href="#">UAC R317-1</a> to make it more user friendly and to stress the requirement for a permit prior to construction of any wastewater treatment facility. Public hearing is scheduled for 03/06/2009 in St. George, Utah. Comments due 03/31/2009.</p>	
UT022709-8	Water Wastewater	03/01/2009	<a href="#">UT Bull. Vol. 2009-5; DAR File No. 32381</a>	Proposed Rule	<p>UDWQ; Department of Environmental Quality</p> <p>General Rules (<a href="#">UAC R317-5-1</a>)</p> <p>Would implement the wastewater facility permit program under the new duties assigned to the Utah Water Quality Control Board. Comments due 03/31/2009.</p>	

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA022709-1	Air Emissions Trading	02/16/2009	<a href="#">25:12 Va.R. 2106</a>	Final Rule	State Air Pollution Control Board 9 Virginia Administrative Code (VAC) 5-140 Clarifies definitions of "Clean Air Interstate Rule (CAIR) NO <sub>x</sub> Annual Trading Program," "CAIR NO <sub>x</sub> Ozone Season Trading Program," "CAIR SO <sub>2</sub> Trading Program," "permitting authority," "most stringent state or federal NO <sub>x</sub> emissions limitation," and "cogeneration unit." Effective 03/18/2009.	
VA022709-2	Air NAAQS-Ozone	02/16/2009	<a href="#">25:12 Va.R. 2068</a>	Final Rule	State Air Pollution Control Board 9VAC5-20, 9VAC5-30 Incorporates the NAAQS into state regulations; adds a new 8-hour ozone standard. Effective 03/18/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA022709-3	Air NESHAPs	02/16/2009	<a href="#">25:12 VA.R 2073</a>	Final Rule	<p>State Air Pollution Control Board</p> <p>9VAC5-50, 9VAC5-60</p> <p>Updates State hazardous air pollutant (HAP) regulations; incorporates by reference 13 federal HAP standards promulgated under 40 CFR Part 63, including the following:</p> <ul style="list-style-type: none"> <li>▪ Clay Ceramics Manufacturing Area Sources (Subpart RRRRRR, 40 CFR 63.11435 thru 40 CFR 63.11447);</li> <li>▪ Glass Manufacturing Area Sources (Subpart SSSSSS, 40 CFR 63.11448 thru 40 CFR 63.11461);</li> <li>▪ Secondary Nonferrous Metals Processing Area Sources (Subpart TTTTTT, 40 CFR 63.11462 thru 40 CFR 63.11474);</li> <li>▪ Hospital Ethylene Oxide Sterilizer Area Sources (Subpart WWWW, 40 CFR 63.10382 thru 40 CFR 63.10448);</li> <li>▪ Electric Arc Furnace Steelmaking Facility Area Sources (Subpart YYYYY, 40 CFR 63.1068 thru 40 CFR 63.10692);</li> <li>▪ Iron and Steel Foundries Area Sources (Subpart ZZZZ, 40 CFR 63.10880 thru 40 CFR 63.10906);</li> <li>▪ Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, Area Sources (Subpart BBBB, 40 CFR 63.11080 thru 40 CFR 63.11100);</li> <li>▪ Acrylic and Modacrylic Fibers Production Area Sources (Subpart LLLLLL, 40 CFR 63.11393 thru 40 CFR 63.11399);</li> <li>▪ Carbon Black Production Area Sources (Subpart MMMMM, 40 CFR 63.11400 thru 40 CFR 63.11406);</li> <li>▪ Chemical Manufacturing Area Sources: Chromium Compounds (Subpart NNNNN, 40 CFR 63.11407 thru 40 CFR 63.11413);</li> <li>▪ Flexible Polyurethane Foam Production and Fabrication Area Sources (Subpart OOOOO, 40 CFR 63.11414 thru 40 CFR 63.11420);</li> <li>▪ Lead Acid Battery Manufacturing Area Sources (Subpart PPPPP, 40 CFR 63.11421 thru 40 CFR 63.11427); and</li> <li>▪ Wood Preserving Area Sources (Subpart QQQQQ, 40 CFR 63.11428 thru 40 CFR 63.11434).</li> </ul> <p>Effective 03/18/2009.</p>	
VA022709-4	Air Open Burning	02/16/2009	<a href="#">25:12 VA.R 2088</a>	Final Rule	<p>State Air Pollution Control Board</p> <p>9VAC5-40, 9VAC5-130</p> <p>Repeals the existing open burning rule, 9VAC5-40-5600 through 9VAC5-40-5645, and creates new standards for open burning under 9VAC5-130-10 through 9VAC5-130-100. Effective 03/18/2009.</p>	
VA022709-5	Air VOCs	02/16/2009	<a href="#">25:12 VA.R 2059</a>	Proposed Rule (fast-track)	<p>State Air Pollution Control Board</p> <p>9VAC5-10</p> <p>Proposed amendments would ensure that the definition of VOC is up-to-date, scientifically accurate, and consistent with federal environmental requirements. Comments due 03/18/2009.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA022709-6	Water Water Quality Standards	02/16/2009	<a href="#">25:12 VA.R 2133</a>	Final Rule	State Water Control Board 9VAC25-260 Updates several standards, including: stream classifications, standards for site-specific conditions, and Chesapeake Bay nutrient-related criteria. Also retains existing criteria for E.coli bacteria and postpones revisions to freshwater criteria for cadmium and lead. Effective upon filing notice of EPA approval.	